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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Case No. 5:14-cv-05344-BLF (NC)

Plaintiff,

V.

ARISTA NETWORKS, INC.

Defendant.

**DECLARATION OF RYAN K. WONG
IN SUPPORT OF DEFENDANT ARISTA
NETWORKS, INC.'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE A
REPLY IN SUPPORT OF ARISTA'S
MOTION FOR RELIEF (ECF 449)**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

DECLARATION OF RYAN K. WONG IN SUPPORT OF ARISTA'S ADMINISTRATIVE MOTION
FOR LEAVE TO FILE A REPLY IN SUPPORT OF ARISTA'S MOTION FOR RELIEF (ECF 449)
Case No. 5:14-cv-05344-BLE (NC)

1 I, RYAN WONG, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
 3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and
 4 counsel for Defendant Arista Networks, Inc. (“Arista”) in the above-captioned action. I have
 5 personal knowledge of the facts stated herein and, if called as a witness, I could testify
 6 competently thereto.

7 2. I submit this declaration in support of Arista’s Administrative Motion for Leave to
 8 File a Reply Brief in Support of Arista’s Motion for Relief from Nondispositive Pretrial Order of
 9 Magistrate Judge. *See* ECF 449.

10 3. At or around 4:19 PM on August 18, 2016, I emailed counsel for Cisco and
 11 notified them that Arista intended to file an administrative motion for leave to submit a short
 12 reply brief to correct three factual representations in Cisco’s opposition to Arista’s Motion for
 13 Relief from Nondispositive Pretrial Order of Magistrate Judge. In that email, I listed out the three
 14 points in Cisco’s opposition brief that Arista’s reply would address, and asked Cisco whether it
 15 would consent to us filing an administrative motion for leave to file the reply brief.

16 4. At or around 9:18 PM on August 18, 2016, I responded to an email from Cisco’s
 17 counsel, Mr. John (Jay) Neukom, requesting a copy of the reply brief. I informed Cisco’s counsel
 18 in that response that the reply brief was still being drafted, but attached an email chain that Arista
 19 believed proved the factual inaccuracies in Cisco’s Opposition brief that warranted correction in
 20 Arista’s reply. In that email, I also asked Cisco’s counsel to explain the factual discrepancies
 21 between the assertions in Cisco’s Opposition and the evidence provided, or alternatively
 22 withdraw its Opposition brief as a potential compromise to resolve the dispute.

23 5. At or around 9:45 AM on August 19, 2016, I sent Cisco’s counsel, including
 24 Mr. Neukom, a copy of the Reply Brief in Support of Arista’s Motion for Relief from
 25 Nondispositive Pretrial Order of Magistrate Judge that Arista now seeks leave to file.

26 6. At or around 10:16 AM on August 19, 2016, Cisco’s counsel, Mr. Neukom,
 27 informed me via email that Cisco did “not believe further briefing is required on this issue” and

1 that Cisco “will oppose [Arista’s] motion for leave. In that email, Cisco’s counsel did not address
2 the factual discrepancies discussed in Arista’s reply brief.

3 Executed August 19, 2016, at San Francisco, California.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

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8 */s/ Ryan K. Wong* _____
9 RYAN K. WONG
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